

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

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NOTICE OF FINAL RULEMAKING

PIMA COUNTY CODE

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 4 – GENERAL PROVISIONS

CHAPTER 12 – PERMITS AND PERMIT REVISIONS

CHAPTER 16 – EMISSION LIMITING STANDARDS

[M07-655]

PREAMBLE

1. Sections Affected

PCC 17.04.340
PCC 17.12.190
PCC 17.12.400
PCC 17.12.510
PCC 17.12.510
PCC 17.12.520
PCC 17.16.590

Rulemaking Action

Amend
Amend
Amend
Repeal
New Section
New Section
Amend

2. Statutory authority for the rulemaking:

Authorizing Statutes: A.R.S. §§ 49-402, 49-479 and 11-251.08
Implementing Statutes: A.R.S. §§ 49-112, 49-480 and 11-251.08

3. The effective date of the rule:

December 20, 2007

4. List of all previous notices appearing in the Register addressing the final rule.

Notice of Proposed Rulemaking: 13 A.A.R. 3204, September 21, 2007

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Stacey Smith
Address: Pima County DEQ
33 N. Stone, Suite 730
Tucson, AZ 85701
Telephone: (520) 243-7322
Fax: (520) 243-7340
E-mail: Stacey.smith@deq.pima.gov

6. An explanation of the rule, including the control officer's reasons for initiating the rule:

The Pima County Department of Environmental Quality (PDEQ) is proposing to modify the fees it charges to owners and operators of Class I, Class II, and Class III air quality permits. The fee structure was last amended in 1995 and does not provide sufficient revenue to cover the costs to maintain compliance with federal and state law. The PDEQ air permit program is currently operating at a deficit. The proposed fee structure is expected to reduce the budget deficit and ensure future revenues are adjusted annually with the Consumer Price Index. PDEQ held four informational stakeholder meetings in June, July, and August to discuss the proposed changes and implement any recommendations. PDEQ also held a formal stakeholder meeting in October to discuss the proposed rule.

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The need for permit fee rules is based on the County's mandate to comply with state law and the federal Clean Air Act (CAA). The County is required to develop and implement a permit program in which fees paid by sources will support program development and implementation costs. The program fee requirement is statutorily mandated by A.R.S. § 49-480. It requires the County to establish a fee system for Title V sources that is consistent with and equivalent to that prescribed under § 502 of the Clean Air Act. A.R.S. § 49-480 also requires the County to determine a permit fee for non-title V sources based on all reasonable direct and indirect costs required to administer the permit, but not to exceed twenty-five thousand dollars. Arizona law and the CAA, both provide for increasing permit fees based on the consumer price index. The proposed revisions to Title 17 conform to these mandates.

- 7. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

- 8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not Applicable

- 9. The summary of the economic, small business, and consumer impact:**

Identification of proposed rulemaking:

This rulemaking amends Chapter 17.04 - General Provisions, Chapter 17.12 - Permits and Permit Revisions and Chapter 17.16 - Emission Limiting Standards.

Summary:

The fee structure was last amended in 1995 and does not provide sufficient revenue to cover the costs of the air permit program to maintain compliance with federal and state law. PDEQ expects an increase in revenue from this rule amendment that will be sufficient to efficiently and effectively operate its air permit program. Entities impacted include sources required to obtain an air quality permit in Pima County, approximately 250 sources. Even with the proposed fee increase, annual fees are expected to remain below the average fees charged at the state level. This rulemaking is not expected to impact either short or long-term employment, production, or industrial growth in Pima County. PDEQ expects no facility closures or reductions in output due to these rule revisions. PDEQ expects minimal impact to consumers and the general public.

- 10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):**

Section 17.04.340(A)(24) Words, phrases, and terms - the phrase "based on the average cost of services including all" added to clarify the meaning of annual fee.

Section 17.12.400 Fees related to general permits - Testing fee removed.

Section 17.12.520 Fees related to Class II and Class III permits - Testing fee removed.

Minor, non-substantive grammatical and typographical changes were made to the rule to improve clarity, conciseness, and understandability.

- 11. A summary of the comments made regarding the rule and the agency response to them:**

Comment: Kevin Westbrooks, Metropolitan Domestic Water Improvement District-Thank you for inviting the stakeholders to your proposed fee revisions meeting. It is understood that PDEQ is proposing to adopt fees substantially identical to ADEQ's current fee rule. Metropolitan Domestic Water Improvement District (District) has comments on the above proposed rule. The District supports the proposed fee of \$1085.00 for annual inspections under the "Others" category. The proposed fee has been reduced by \$1085 from ADEQ's current fee structure, but is still twice the cost of the existing fee.

Regarding the application and renewal fee for the Class III General Permit, the District does not support these fees remaining the same at \$540. The District believes the amount of work to review an application for a new facility and issue the permit versus the quantity of staff time needed to review a renewal application and issue a permit for an existing permitted facility can not be equal. Therefore, the District recommends these two fees be changed. One suggestion would be for the application fee for a new facility to remain at \$540 and the renewal fee be \$300.

Response (via letter): Acknowledged. PDEQ believes \$1085 for the "Others" source category is reasonable and accurately reflects the actual cost to operate the program. The fee was last updated in 1995 and as noted in the

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comment PDEQ's fee is substantially below ADEQ's. In response to the recommendation to charge an existing facility a renewal fee of \$300 for a new authority to operate (ATO) under a general permit is not feasible. Once a general permit expires it is reviewed and may be modified. Therefore, an application for every new ATO must be submitted and reviewed when the general permit expires regardless if the source is existing or new. Requiring every source to apply for a new ATO under the general permit ensures that every source complies with the permit conditions. The application and review process remains the same for new and existing sources applying for an ATO. If an existing source applies for a new ATO under a general permit the permit number will remain the same for convenience only. Therefore to charge a different fee for an existing source applying for a new ATO does not reflect the actual costs of the program.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Were these rules previously made as emergency rules?

No

15. The full text of the rule follows:

TITLE 17 - AIR QUALITY CONTROL

CHAPTER 17.04 - GENERAL PROVISIONS

ARTICLE IX. DEFINITIONS AND MEANINGS

Section

17.04.340 Words, phrases, and terms.

CHAPTER 17.12 PERMITS AND PERMIT REVISIONS

ARTICLE II. INDIVIDUAL SOURCE PERMITS

Section

17.12.190 Permits containing synthetic emission limitations and standards.

ARTICLE III. GENERAL PERMITS FOR INDIVIDUAL SOURCES

Section

17.12.400 Fees related to general permits.

ARTICLE VI. FEES

Section

17.12.510 ~~Fees related to individual permits~~ Fees related to Class I permits.

17.12.520 ~~Fees related to Class II and Class III permits.~~

CHAPTER 17.16 EMISSION LIMITING STANDARDS

ARTICLE VIII. NEW MAJOR SOURCES AND MAJOR MODIFICATION TO EXISTING MAJOR SOURCES

Section

17.16.590 Permit Requirements for sources located in attainment and unclassifiable areas.

CHAPTER 17.04 GENERAL PROVISIONS

ARTICLE IX. DEFINITIONS AND MEANINGS

17.04.340 Words, phrases, and terms.

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Words, phrases, and terms used in this title shall have the following meanings except where any narrative portion specifically indicates otherwise:

A. Definitions.

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24. "Annual fee" means a fee paid yearly based on the average cost of service including all reasonable direct and indirect costs required to administer the program covering administrative and inspection activities.
- ~~24.25. "Applicable implementation plan" No change~~
- ~~25.26. "Applicable requirement" No change~~
- ~~26.27. "Approved" No change~~
- ~~27.28. "AQCD" No change~~
- ~~28.29. "Architectural coating" No change~~
30. "Area source" means those sources that emit less than 10 tons annually of a single hazardous air pollutant or less than 25 tons annually of a combination of hazardous air pollutants.
- ~~29.31. "A.R.S." means Arizona Revised Statutes, with standard references in this title by title and section, so that A.R.S. § 49-101 means Section 101 of Title 49 of the Arizona Revised Statutes.~~
- ~~30.32. "Arizona Testing Manual (ATM)" No change~~
- ~~31.33. "Asphalt concrete plant" No change~~
- ~~32.34. "ASTM" No change~~
- ~~33.35. "Attainment area" No change~~
- ~~34.36. "Begin actual construction" No change~~
- ~~35.37. "Best available control technology (BACT)" No change~~
- ~~36.38. "Billable permit action" means a breakdown of the permit processing time into the categories of pre-application activities (training, management interface, telephone requests, tracking, developing and revising program materials, and database management) completeness review, substance review, and public involvement activities, and within each category, a further breakdown by employee name the issuance or denial of a new permit, permit revision, permit transfer, costs associated with public participation under Section 17.12.340 or the renewal of a permit.~~
- ~~37.39. "Black liquor" No change~~
- ~~38.40. "BTU" No change~~
- ~~39.41. "Building", "structure", "facility" or "installation" No change~~
- ~~40.42. "Calcine" No change~~
- ~~41.43. "Capacity factor" No change~~
- ~~42.44. "Categorical sources" No change~~
- ~~43.45. "Cause" or "permit" No change~~
- ~~44.46. "CEM" No change~~
- ~~45.47. "CFR" No change~~
- ~~46.48. "Charge" No change~~
- ~~47.49. "Coal" No change~~
- ~~48.50. "Combustion" No change~~
- ~~49.51. "Commence" No change~~
- ~~50.52. "Complete" No change~~
- ~~51.53. "Concentrate" No change~~
- ~~52.54. "Concentrate dryer" No change~~
- ~~53.55. "Concentrate roaster" No change~~
- ~~54.56. "Condensate stripper system" No change~~
- ~~55.57. "Construction" No change~~
- ~~56.58. "Continuous monitoring system" or "continuous emissions monitoring (CEM) system" No change~~
- ~~57.59. "Control" No change~~
- ~~58.60. "Control device" No change~~
- ~~59.61. "Control officer" No change~~
- ~~60.62. "Controlled atmosphere incinerator" No change~~
- ~~61.63. "Conventional" or "criteria" No change~~
- ~~62.64. "Converter" No change~~
- ~~63.65. "County" No change~~
- ~~64.66. "Delivery vessels" No change~~
- ~~65.67. "Designated representative" No change~~
- ~~66.68. "Director" No change~~

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~~67-69.~~ "Discharge" No change
~~68-70.~~ "Dispersion technique" No change
~~69-71.~~ "Dust" or "dust emissions" No change
~~70-72.~~ "Dust suppressant" No change
~~71-73.~~ "Electric utility steam generating unit" No change
~~72-74.~~ "Effluent" No change
~~73-75.~~ "Emergency" No change
~~74-76.~~ "Emission" No change
~~75-77.~~ "Emissions allowable under the permit" No change
~~76-78.~~ "Emissions unit" No change
~~77-79.~~ "Emission standard" or "emission limitation" No change
~~78-80.~~ "Enforceable" No change
~~79-81.~~ "Environmental Protection Agency (EPA)" No change
~~80-82.~~ "Equivalent method" No change
~~81-83.~~ "Excess emissions" or "emissions in excess of an emission limitation" No change
~~82-84.~~ "Existing source" No change
~~83-85.~~ "Federal applicable requirement" No change
~~84-86.~~ "Federal land manager" No change
~~85-87.~~ "Federally enforceable" means:

....

- d. Emissions limitations, controls, and other requirements, and any associated monitoring, recordkeeping and reporting requirements, which are entered into voluntarily by a source pursuant to Section ~~47-12-220~~ 17.12.190.

~~86-88.~~ "Federally listed hazardous air pollutant" No change
~~87-89.~~ "Final permit" No change
~~88-90.~~ "Fixed capital cost" No change
~~89-91.~~ "Floating roof" No change
~~90-92.~~ "Fossil fuel-fired steam generator" No change
~~91-93.~~ "Fuel" No change
~~92-94.~~ "Fuel burning equipment" No change
~~93-95.~~ "Fuel oil" No change
~~94.~~ "Fugitive dust" means fugitive emissions of particulate matter.
~~95-96.~~ "Fugitive emissions" No change
~~96-97.~~ "Fume" No change
~~97-98.~~ "Fume incinerator" No change
~~98-99.~~ "General permit" No change
~~99-100.~~ "Good engineering practice (GEP) stack height" No change
~~100-101.~~ "Haul road" No change
~~101-102.~~ "Hazardous air pollutant (HAP)" No change
~~102-103.~~ "Hazardous air pollutant reasonably available control technology (HAPRACT)" No change
~~103-104.~~ "Hazardous waste" No change
~~104-105.~~ "Hazardous waste fuel" No change
~~105-106.~~ "Heat input" No change
~~106-107.~~ "Herein" No change
~~107-108.~~ "High sulfur oil" No change
~~108-109.~~ "High terrain" No change
~~109-110.~~ "Incinerator" No change
~~110-111.~~ "Indian governing body" No change
~~111-112.~~ "Indian reservation" No change
~~112-113.~~ "Innovative control technology" No change
~~113-114.~~ "Insignificant activity" No change
~~114-115.~~ "Itemized bill" No change
~~115-116.~~ "Kraft pulp mill" No change
~~116-117.~~ "Land stripping" or "land stripping activity" No change
~~117-118.~~ "Lead" No change
~~118-119.~~ "Lime hydrator" No change

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~~119.120.~~ "Lime kiln" No change
~~120.121.~~ "Lime plant" No change
~~121.122.~~ "Lime product" No change
~~122.123.~~ "Loading facility" No change
~~123.124.~~ "Low sulfur oil" No change
~~124.125.~~ "Low terrain" No change
~~125.126.~~ "Lowest achievable emission rate (LAER)" No change
~~126.127.~~ "Major modification" No change
~~127.128.~~ "Major source" No change
~~128.129.~~ "Major source threshold" No change
~~129.130.~~ "Malfunction" No change
~~130.131.~~ "Material permit condition" No change
~~131.132.~~ "Matte" No change
~~132.133.~~ "Maximum achievable control technology (MACT)" No change
~~133.134.~~ "Minor source" No change
~~134.135.~~ "Minor source baseline area" No change
~~135.136.~~ "Miscellaneous metal parts and products" No change
~~136.137.~~ "Mobile source" No change
~~137.138.~~ "Modification" or "modify" No change
~~138.139.~~ "Monitoring device" No change
~~139.140.~~ "Motor vehicle" No change
~~140.141.~~ "Multiple chamber incinerator" No change
~~141.142.~~ "Multiple-effect evaporator system" No change
~~142.143.~~ "NAAQS" No change
~~143.144.~~ "National ambient air quality standard" No change
~~144.145.~~ "NAICS" No change
~~145.146.~~ "Necessary preconstruction approvals or permits" No change
~~146.147.~~ "NESHAP" No change
~~147.148.~~ "Net emissions increase" No change
~~148.149.~~ "Neutral sulfite semichemical pulping" No change
~~149.150.~~ "New source" No change
~~150.151.~~ "Nitric acid plant" No change
~~151.152.~~ "Nitrogen oxides" No change
~~152.153.~~ "Nonattainment area" No change
~~153.154.~~ "Nonattainment area plan" No change
~~154.155.~~ "Nonpoint source" No change
~~155.156.~~ "NSPS" No change
~~156.157.~~ "Opacity" No change
~~157.158.~~ "Open outdoor fire" or "open burning" No change
~~158.159.~~ "Operation" No change
~~159.160.~~ "Owner or operator" No change
~~160.161.~~ "Particulate matter" No change
~~161.162.~~ "Particulate matter emissions" No change
~~162.163.~~ "PDEQ" or "department" No change
~~163.164.~~ "Permitting authority" No change
~~164.165.~~ "Permit processing time" No change
~~165.166.~~ "Person" No change
~~166.167.~~ "Petroleum liquids" No change
~~167.168.~~ "Planning agency" No change
~~168.169.~~ "Plume" No change
~~169.170.~~ "PM_{2.5}" No change
~~170.171.~~ "PM₁₀" No change
~~171.172.~~ "PM₁₀ emissions" No change
~~172.173.~~ "Pollution control project" No change
~~173.174.~~ "Portable source" No change
~~174.175.~~ "Potential to emit" or "potential emission rate" No change
~~175.176.~~ "Primary ambient air quality standards" No change

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- ~~176.177.~~ "Primary standard attainment date" No change
~~177.178.~~ "Private driveway" No change
~~178.179.~~ "Private residence" No change
~~179.180.~~ "Process" No change
~~180.181.~~ "Process source" No change
~~181.182.~~ "Process weight" No change
~~182.183.~~ "Process weight rate" No change
~~183.184.~~ "Proposed permit" No change
~~184.185.~~ "Proposed final permit" No change
~~185.186.~~ "Quantifiable" No change
~~186.187.~~ "RACT (reasonably available control technology)" No change
~~187.188.~~ "Reactivation of very clean coal-fired electric utility steam generating unit:" No change
~~188.189.~~ "Reasonable further progress" No change
~~189.190.~~ "Reclaiming machinery" No change
~~190.191.~~ "Reconstruction" No change
~~191.192.~~ "Recovery furnace" No change
~~192.193.~~ "Reference method" No change
~~193.194.~~ "Regulated air pollutant" No change
~~194.195.~~ "Reid vapor pressure" No change
~~195.196.~~ "Replicable" No change
~~196.197.~~ "Re-powering" No change
~~197.198.~~ "Representative actual annual emissions" No change
~~198.199.~~ "Resource recovery project" No change
~~199.200.~~ "Responsible official" No change
~~200.201.~~ "Reverberatory smelting furnace" No change
~~201.202.~~ "Road" No change
~~202.203.~~ "Road construction" No change
~~203.204.~~ "Rotary lime kiln" No change
~~204.205.~~ "Rules and regulations" No change
~~205.206.~~ "Run" No change
~~206.207.~~ "Secondary ambient air quality standards" No change
~~207.208.~~ "Secondary emissions" No change
~~208.209.~~ "Service road" No change
~~209.210.~~ "Shutdown" No change
~~210.211.~~ "Significance levels" No change
~~211.212.~~ "Significant" No change
~~212.213.~~ "Slag" No change
~~213.~~ "Small source" means a source with a potential to emit, without controls, less than the rate defined as significant in ~~17.04.340.211,~~ but required to obtain a permit solely because it is subject to a standard under 40 CFR 63.
....
233. "Synthetic minor" means a source with a permit that contains voluntary accepted emissions limitations, controls, or other requirements (for example, a cap on production rates or house of operations, or limits on the type of fuel) under ~~section 17.12.220~~ Section 17.12.190 to reduce the potential to emit to a level below the major source threshold.
234. "Temporary source" means a source which is portable, as defined in A.R.S. ~~49-401.01(23)~~ § 49-401.01 and which is not an affected source.
234. "Temporary source" means a source which is portable, as defined in A.R.S. ~~49-401.01(23)~~ § 49-401.01 and which is not an affected source.
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CHAPTER 17.12 PERMITS AND PERMIT REVISIONS

ARTICLE II. INDIVIDUAL SOURCE PERMITS

17.12.190 Permits containing synthetic emission limitations and standards.

- A. A source may voluntarily propose in its application, ~~and accept in its Class I permit,~~ emission limitations, controls or other requirements that are permanent, quantifiable and otherwise enforceable as a practical matter that incorporate pollution prevention programs that provide source operational flexibility and achieve regulatory compliance.

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1. A new or existing source requesting a permit with conditions for operation flexibility under this subsection shall be subject ~~to pay to the control officer~~ all applicable fees pursuant to ~~17.12.510.G~~ Section 17.12.520.
2. An existing source requesting a permit with conditions for operation flexibility under this subsection shall pay to the control officer a fee billed by the control officer that represents the total actual cost of reviewing and acting upon the application. The minimum fee chargeable to this subsection shall be \$2,500 and the maximum fee shall be \$30,000.

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ARTICLE III. GENERAL PERMITS FOR INDIVIDUAL SOURCES

17.12.400 Fees related to general permits.

- A. Permit Processing Fee. The owner or operator of a ~~Each~~ source that applies for authority to operate under a general permit shall pay to the control officer \$540 with the submittal of each application. ~~a five hundred forty dollar application processing fee.~~ This fee applies to the owner or operator of any source that intends to continue operating under the authority of a general permit that has been proposed for renewal.
- B. For each calendar year during which a source required to obtain a permit pursuant to Title V of the Act is covered by a general permit, the source shall pay an annual emissions fee as set forth in Section 17.12.510C and D, except that the annual emissions fee for sources described in Section 17.12.510C6 shall be two hundred sixty dollars and the minimum annual emissions fee for all other sources with authority to operate under a general permit shall be one thousand five hundred dollars. When a source is granted authority to operate under a general permit, the initial annual emissions fee for the source shall be due sixty days after the authority is granted and shall be based on emissions for the most recent calendar year ending at least twelve months previous to the date the fee is due or, for sources granted authority to operate in calendar year 1994, for 1990. The source may deduct from the initial payment a portion of an amount paid pursuant to Section 17.12.510C prorated for the amount of time the source was covered by an individual permit in that calendar year. Subsequent payments shall be due on January 1st and July 1st of each year. For the purposes of this subsection, "required to obtain a permit pursuant to Title V of the Act" shall have the same meaning as in Section 17.12.510B.
Annual Fee. The owner or operator of a source with authority to operate under a general permit shall pay to the control officer an annual fee from the table below, by February 1 or 60 days after the control officer mails the invoice, whichever is later.

<u>General Permit Source Category</u>	<u>Annual Fee</u>
<u>Class II Area Sources</u>	<u>\$540</u>
<u>Other Class II General Permits</u>	<u>\$3,250</u>
<u>Class III Gasoline Service Stations</u>	<u>\$540</u>
<u>Class III Crematories</u>	<u>\$1,085</u>
<u>Other Class III General Permits</u>	<u>\$1,085</u>

- C. For each calendar year during which a source required to obtain a permit pursuant only to state law is covered by a general permit, the source shall pay an annual inspection fee and any applicable performance test fee as set forth in Section 17.12.510E1 or E2, whichever is applicable. The annual inspection fee is payable in two equal parts. The initial first half payment is due sixty days after a source is granted authority under Section 17.12.390. The initial second half payment shall be due one hundred twenty days after the first. Half payments for subsequent calendar years shall be due on each January 1st or July 1st. Performance test fees shall be due when the protocol is submitted.

ARTICLE VI. FEES

17.12.510 Fees related to individual permits Fees related to Class I permits.

- A. The fees in this section related to individual source permits are based on estimated costs for the Pima County department of environmental quality Air Pollution Stationary Source Permitting Program.
- B. For the purposes of this section and Section 17.12.400, the following apply:
 1. The following sources shall be considered to be required to obtain a permit pursuant to Title V of the Act:
 - a. Any source required to have a Class I permit.
 - b. Any source allowed to operate under a Class II permit pursuant to being listed in Section 17.12.140B2b(i) or (ii).
 - c. Any source that qualifies for a Class II permit pursuant to being listed in Section 17.12.140B2, but that elects to apply for a Class I permit.
 2. The following sources shall be considered complex:
 - a. Agricultural chemical manufacturers and processors.
 - b. Commercial ethylene oxide sterilizers.
 - c. Foundries.

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- d. Glass bead manufacturers.
 - e. Lumber mills.
 - f. Mining and mineral processing facilities, except facilities engaged solely in the extraction and beneficiation of ores and minerals. For the purposes of this paragraph, "beneficiation" is limited to the activities specified in 40 CFR 261.4(b)(7).
 - g. Paper mills.
 - h. Refineries.
 - i. Plastics extrusion facilities.
 - j. Printers with actual emissions of VOC in excess of twenty five tons per year.
 - k. Textile manufacturers.
 - l. Manufacturers of tires and related products.
3. For purposes of this section, "existing source" means a source that has commenced construction and for which one of the following is true:
- a. Held a valid installation or operating permit as of September 1, 1993; or
 - b. Has been issued a permit pursuant to A.R.S. 49-426(A) after September 1, 1993.
4. For purposes of this section, "direct hours spent processing the permit" means the time spent by office of air quality technical staff or consultants on tasks specifically related to the processing, issuance, or denial of a particular permit or permit revision, including pre-application activities and time at a public hearing. Direct hours shall not include time inspecting a facility, travel to or from any facility or permit hearing, or training.
- C. The owner or operator of each source required to obtain a permit pursuant to Title V of the Act shall pay an annual emissions fee equal to twenty eight dollars and fifteen cents per year per ton of actual emissions of all regulated pollutants or the minimum specified in paragraph 5 of this subsection, whichever is greater. The rate of twenty eight dollars and fifteen cents shall be adjusted for the date of payment pursuant to paragraph 4 of this subsection. Except as provided in subsection D of this section, the annual emissions fee is due on January 1st of each year but may be paid in two equal parts, one half on January 1st and one half on July 1st. In calculating the fee, all of the following apply:
- 1. For purposes of this subsection, "actual emissions" means the actual quantity of all regulated pollutants emitted during the most recent calendar year ending at least twelve months before the date the fee is due unless some other period is specified by rule, determined pursuant to Section 17.12.320, or pursuant to an emissions inventory required prior to the effective date of Section 17.12.320.
 - 2. For purposes of this section, "regulated pollutants" consist of the following:
 - a. Nitrogen oxides or any volatile organic compounds.
 - b. Conventional air pollutants, except carbon monoxide.
 - c. Any pollutant that is subject to any standard promulgated under Section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.
 - d. Any federally listed hazardous air pollutant that is subject to a standard promulgated by the administrator under Section 112 of the Act or other requirement established under Section 112 of the Act, including Sections 112(g) and (j) of the Act. Federally listed hazardous air pollutants subject to requirements established under Section 112 of the Act include the following:
 - i. Any pollutant subject to requirements under Section 112(j) of the Act. If the administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be considered major under Section 112(a)(1) of the Act shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to Section 112(e) of the Act.
 - ii. Any pollutant for which the requirements of Section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirements.
 - 3. The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of this section:
 - a. Emissions of a regulated pollutant from the source in excess of four thousand tons per year.
 - b. Emissions of any regulated pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM₁₀.
 - c. Emissions from insignificant activities excluded from the permit for the source pursuant to Section 17.12.160E7.
 - 4. Beginning in 1994, the twenty eight dollars and fifteen cents per ton per year fee shall be adjusted each year on January 1st to reflect the increase, if any, by which the Consumer Price Index for the most recent year exceeds the Consumer Price Index for the year 1989. The Consumer Price Index for any year is the average of the Consumer

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Price Index for all urban consumers published by the United States Department of Labor, as of the close of the twelve month period ending on August 31st of that year.

5. Notwithstanding previous provisions of this subsection, the following minimum annual permit fees apply:
 - a. New major sources that have not yet been required to report emission quantities pursuant to Section 17.12.320 for which an annual emissions fee is due: five thousand dollars.
 - b. All other sources except those listed in paragraph 6 of this subsection: two thousand five hundred dollars.
6. Notwithstanding any other provisions of this subsection, sources that have uncontrolled emissions that are less than significant and that are subject to a standard under Section 112 of the Act shall pay an annual emissions fee of two hundred sixty dollars.
- D. The following payment schedules apply to annual emission fees:
 1. For sources that have commenced construction before the effective date of this section, the initial first half payment shall be due on January 1, 1994, or on the sixtieth day following the effective date of this section, whichever is later, and shall be based on the emissions inventory for calendar year 1990 or the appropriate minimum fee in paragraph C5 of this section. The initial second half payment shall be due one hundred twenty days after the first.
 2. For sources that commence construction after the effective date of this section, the initial first half payment for the calendar year they commence construction shall be due on the sixtieth day following commencement of construction and shall be based on the appropriate minimum fee in paragraph C5 of this section. The initial second half payment shall be due one hundred twenty days after the first. Half payments for subsequent calendar years shall be due on each January 1st or July 1st and shall be based on the appropriate minimum fee until an annual emissions fee is due based on emissions reported for the most recent calendar year ending at least twelve months before the date the fee is due.
 3. For sources that become subject to a permit requirement pursuant to Title V of the Act through a promulgation of the administrator after the effective date of this section, the initial first half payment for that calendar year shall be due on the sixtieth day after the source becomes subject to the permit requirement and shall be based on the appropriate minimum fee in paragraph C5. The initial second half payment shall be due one hundred twenty days after the first. Half payments for subsequent calendar years shall be due on each January 1st and July 1st and shall be based on the appropriate minimum fee until an annual emissions fee is due based on emissions reported for the most recent calendar year ending at least twelve months before the date the fee is due.
- E. The owner or operator of an existing source that is required to obtain a permit pursuant to state law and is not required to obtain a permit pursuant to Title V of the Act shall pay the following fees:
 1. For sources that are complex pursuant to paragraph B2 of this section:
 - a. An annual permit processing fee of one thousand ninety seven dollars plus an annual inspection fee of one thousand five hundred sixty dollars.
 - b. A performance test fee of six hundred thirty five dollars for any year during which such test will be performed.
 2. For sources that are not complex pursuant to paragraph B2 of this section:
 - a. An annual permit processing fee of five hundred sixty five dollars plus an annual inspection fee of three hundred ninety dollars.
 - b. A performance test fee of four hundred eighty dollars for any year during which such test will be performed.Any annual fee in this subsection may be paid in two equal parts and is due at the times listed in subsection F of this section. Performance test fees shall be due when the test protocol is submitted.
- F. The following payment schedules apply to the annual fees specified in subsection E of this section:
 1. For sources that are existing on the effective date of this section, the initial first half payment shall be due on January 1, 1994, or on the sixtieth day following the effective date of this section, whichever is later. The initial second half payment shall be due one hundred twenty days after the first. Half payments for subsequent calendar years shall be due on each January 1st or July 1st.
 2. For sources that are not existing on the effective date of this section, the initial first half payment shall be due on the sixtieth day after they become existing. The initial second half payment shall be due one hundred twenty days after the first. Half payments for subsequent calendar years shall be due on each January 1st or July 1st.
- G. Before the issuance of a permit to construct and operate a source that is required to obtain a permit pursuant to Title V of the Act, the applicant for the permit shall pay to the control officer a fee billed by the control officer representing the total actual cost of reviewing and acting upon the application. The minimum fee chargeable pursuant to this subsection shall be two thousand five hundred dollars, and the maximum fee shall be thirty thousand dollars. The sum of thirteen thousand dollars shall be due with the application in the case of a Class I permit. The sum of two thousand dollars shall be due with the application in the case of any source allowed to operate under a Class II permit pursuant to being listed in Section 17.12.140B2b(i) or (ii).
- H. Before the issuance of a permit to construct and operate a source that is subject to a permit requirement pursuant only to state law, the applicant for the permit shall pay to the control officer a permit processing fee of six thousand four hundred

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dollars for a complex source and three thousand dollars for a source that is not complex. The source may elect to pay one fifth of the amount before issuance and one fifth of the amount during each of the next four years before the anniversary date of the permit. Subsequent to the issuance of the permit, the source shall be subject to the applicable inspection and performance test fees pursuant to subsection E of this section.

- I. Each source required to obtain a permit pursuant to Title V of the Act applying for a permit revision pursuant to Section 17.12.250 or Section 17.12.260 or the transfer of a permit pursuant to Section 17.12.290 shall remit to the control officer, at the time the application or notice is submitted, an application fee as follows:

1. Ten thousand dollars for a significant permit revision that is a result of a major modification.
2. One thousand five hundred dollars for any other significant permit revision.
3. Five hundred dollars for a minor permit revision.
4. Four hundred twenty four dollars for a permit transfer.

Before the issuance of a permit revision pursuant to Section 17.12.250 or Section 17.12.260 under this subsection, the applicant for the permit revision shall pay to the control officer a fee billed by the control officer representing the total actual cost of reviewing and acting upon the application minus any application fee remitted. The maximum fee chargeable pursuant to this subsection shall be twenty five thousand dollars for any significant permit revision and ten thousand dollars for any minor permit revision. The fee for each permit transfer under this subsection shall be four hundred twenty four dollars.

- J. Each source required to obtain a permit pursuant to state law and not required to obtain one pursuant to Title V of the Act applying for a permit revision pursuant to Section 17.12.250 or Section 17.12.260 or the transfer of a permit pursuant to Section 17.12.290 shall remit to the control officer, at the time the application or notice is submitted, an application fee as follows:

1. Two thousand four hundred dollars for a significant permit revision for a complex source.
2. Seven hundred dollars for any other significant permit revision.
3. Four hundred fifty dollars for a minor permit revision.
4. Three hundred eighteen dollars for a permit transfer.

Before the issuance of a permit revision pursuant to Section 17.12.250 or Section 17.12.260 under this subsection, the applicant for the permit revision shall pay to the control officer a fee billed by the control officer representing the total actual cost of reviewing and acting upon the application minus any application fee remitted. The maximum fee chargeable pursuant to this subsection shall be twenty five thousand dollars for any significant permit revision and ten thousand dollars for any minor permit revision. The fee for each permit transfer under this subsection shall be three hundred eighteen dollars.

- K. Any person who receives a final bill from the control officer for the processing of a permit under this section may request an informal review of the hours billed and may pay the bill under protest. If the bill is paid under protest, the control officer shall issue the permit if it would be otherwise issuable after normal payment. The request shall specify the areas of dispute and be made in writing to the control officer within thirty days of the date of receipt of the final bill. Unless the control officer and applicant agree otherwise, the informal review shall take place within thirty days of the control officer's receipt of the request. Notice of the time and place of informal review shall be mailed to the requester at least ten working days prior to the informal review. The control officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. Disposition of the informal review shall be mailed to the requester within ten working days after the informal review.

- L. The control officer's decision after the informal review shall become final unless, within 30 days after receipt of the decision, the applicant requests in writing a hearing pursuant to A.R.S. 49-482.

- M. For the purposes of subsections G and I of this section, the hourly rate applied by the control officer for all direct hours spent processing the permit shall be fifty three dollars per hour. For the purposes of subsection J of this section, the hourly rate applied by the control officer for all direct hours spent processing the permit shall be forty dollars per hour.

- N. An applicant for a Class I or II permit or any revisions to such permits may request that the control officer provide accelerated processing of the application by providing the control officer written notice sixty days in advance of filing the application. Any such request shall be accompanied by the standard application fees as described in this section plus an additional payment of fifty percent of those fees. The fees shall be nonrefundable to the extent of the control officer's costs in accelerating the processing if the control officer undertakes the accelerated processing as described below:

1. When the applicant has requested accelerated permit processing, the control officer may, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:
 - a. For applications for initial Class I and II permits governed by Section 17.12.140 or significant permit revisions governed by Section 17.12.260, the proposed permit or permit revision shall be issued within one hundred twenty days after the control officer determines that the application is complete.

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- b. For minor permit revisions governed by Section 17.12.250, the permit revision shall be issued within sixty days after receiving an application.
- 2. At any time after an applicant has requested accelerated permit processing, the control officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.
- 3. Before issuing a permit or permit revision pursuant to this subsection, the applicant shall pay to the control officer all regular permit processing and other fees due and, in addition, the difference between the actual cost of accelerating the permit application, including any costs incurred by the control officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payment fees submitted. In the event all payments made exceed actual accelerated permit costs, excess advance payments shall be refunded. Nothing in this section shall affect the public participation requirements of Section 17.12.340 or EPA and affected state review as required under Section 17.12.190 or Section 17.12.250.
- 4. Any additional charges incurred as a result of the accelerated permit processing shall not be applied toward the maximum fees established in subsections G and I of this section for a source that is required to obtain a permit pursuant to Title V of the Act.
- A. Source Category. The owner or operator of a source required to have an air quality permit from the control officer shall pay the fees described in this Section unless authorized to operate under a general permit issued under Article III. The fees are based on a source being classified in the following category: Class I sources are those required or that elect to have a permit under Section 17.12.140(B)(1).
- B. Fees for Permit Actions. The owner or operator of a Class I source shall pay to the control officer \$105.80 per hour, adjusted annually under subsection (F), for all permit processing time required for a billable permit action. Upon completion of permit processing activities other than issuance or denial of the permit or permit revision, the control officer shall send notice of the decision to the applicant along with a final itemized bill. The minimum fee for any billable permit action is one hour of the current hourly rate. Except as provided in subsection (E), the control officer shall not issue a permit or permit revision until the final bill is paid in full.
- C. The owner or operator of a Class I source that has undergone initial startup by January 1 shall annually pay to the control officer an administrative fee plus an emissions-based fee as follows:
 - 1. The applicable administrative fee from the table below, as adjusted annually under subsection (F). The fee is due by February 1 or 60 days after the control officer mails the invoice under subsection (D), whichever, is later.

<u>Class I Source Category</u>	<u>Administrative Fee</u>
<u>Aerospace</u>	<u>\$15,570</u>
<u>Cement Plants</u>	<u>\$47,680</u>
<u>Combustion/Boilers</u>	<u>\$11,590</u>
<u>Compressor Stations</u>	<u>\$9,530</u>
<u>Electronics</u>	<u>\$15,340</u>
<u>Expandable Foam</u>	<u>\$10,990</u>
<u>Foundries</u>	<u>\$14,610</u>
<u>Landfills</u>	<u>\$11,940</u>
<u>Lime Plants</u>	<u>\$44,660</u>
<u>Copper & Nickel Mines</u>	<u>\$11,220</u>
<u>Gold Mines</u>	<u>\$11,220</u>
<u>Mobile Home Manufacturing</u>	<u>\$11,110</u>
<u>Paper Mills</u>	<u>\$15,330</u>
<u>Paper Coaters</u>	<u>\$11,590</u>
<u>Petroleum Products Terminal Facilities</u>	<u>\$17,020</u>
<u>Polymeric Fabric Coaters</u>	<u>\$15,330</u>
<u>Reinforced Plastics</u>	<u>\$11,590</u>
<u>Semiconductor Fabrication</u>	<u>\$20,170</u>
<u>Copper Smelters</u>	<u>\$47,680</u>
<u>Utilities - Natural Gas</u>	<u>\$12,310</u>
<u>Utilities - Fossil Fuel Except Natural Gas</u>	<u>\$24,380</u>
<u>Vitamin/Pharmaceutical Manufacturing</u>	<u>\$11,830</u>
<u>Wood Furniture</u>	<u>\$11,590</u>
<u>Others</u>	<u>\$11,940</u>
<u>Others with Continuous Emissions Monitoring</u>	<u>\$15,340</u>

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2. An emissions-based fee of \$14.18 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year ending 12 months earlier. The fee is adjusted annually under subsection (d) and due by February 1 or 60 days after the control officer mails the invoice under subsection (D), whichever is later.
 - a. For purposes of this Section, "actual emissions" means the quantity of all regulated pollutants emitted during the calendar year, as determined by the annual emissions inventory under Section 17.12.320.
 - b. For purposes of this Section, regulated pollutants consist of the following:
 - i. Nitrogen oxides and any volatile organic compounds;
 - ii. Conventional air pollutants, except carbon monoxide and ozone;
 - iii. Any pollutant that is subject to any standard promulgated under Section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds; and
 - iv. Any federally listed hazardous air pollutant.
 - c. For purposes of this Section, the following emissions of regulated pollutants are excluded from a source's actual emissions:
 - i. Emissions of any regulated pollutant from the source in excess of 4,000 tons per year;
 - ii. Emissions of any regulated pollutant already included in the actual emissions for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM₁₀;
 - iii. Emissions from insignificant activities listed in the permit application for the source under Section 17.12.160;
 - iv. Fugitive emissions of PM₁₀ from activities other than crushing, belt transfers, screening, or stacking; and
 - v. Fugitive emissions of VOC from solution-extraction units.
 - d. The control officer shall adjust the rate for emission-based fees every November 1, beginning on November 1, 2008, by multiplying \$14.18 by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.
- D. The control officer shall mail the owner or operator of each source an invoice for all fees due under subsections (C) by December 1.
- E. Any person who receives a final itemized bill from the control officer under this Section for a billable permit action may request an informal review of the hours billed and may pay the bill under protest as provided below:
 1. The request shall be made in writing, and received by the control officer within 30 days of the date of the final bill. Unless the control officer and person agree otherwise, the informal review shall take place within 30 days after the control officer's receipt of the request. The control officer shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The control officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The control officer shall mail his or her decision on the informal review to the person within 10 business days after the informal review date.
 2. The control officer's decision after informal review shall become final unless, within 30 days after person's receipt of the informal review decision, the person requests in writing a hearing pursuant to A.R.S. § 49-482.
 3. If the final itemized bill is paid under protest, the control officer shall take final action on the permit or permit revision.
- F. The control officer shall adjust the hourly rate every November 1, to the nearest 10 cents per hour, beginning on November 1, 2008, by multiplying \$105.80 by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The control officer shall adjust the administrative fees listed in subsection (C) every November 1, to the nearest \$10, beginning on November 1, 2008, by multiplying the administrative fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.
- G. An applicant for a Class I permit or permit revision may request that the control officer provide accelerated processing of the application by providing the control officer written notice 60 days before filing the application. The request shall be accompanied by an initial fee of \$15,000. The fee is non-refundable to the extent of the control officer's costs for accelerating the processing if the control officer undertakes the accelerated processing described below:
 1. If an applicant requests accelerated permit processing, the control officer may, to the extent practicable, undertake to process the permit or permit revision according to the following schedule:
 - a. For applications for initial Class I permits under Section 17.12.140 or significant permit revisions under Section 17.12.260, the control officer shall issue or deny the proposed permit or permit revision within 120 days after the control officer determines that the application is complete.

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- b. For minor permit revisions under Section 17.12.255, the control officer shall issue or deny the permit revision within 60 days after receiving a complete application.
- 2. At any time after an applicant requests accelerated permit processing, the control officer may require additional advance payments based on the most recent estimate of additional costs.
- 3. Upon completion of permit processing activities but before issuance or denial of the permit or permit revision, the control officer shall send notice of the decision to the applicant along with a final bill. The final bill shall include all regular permit processing and other fees due, and, in addition, the difference between the cost of accelerating the permit application, including any costs incurred by the control officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the control officer shall refund the excess advance payments. Nothing in this subsection affects the public participation requirements of Section 17.12.340, or EPA and affected state review as required under Section 17.12.200 or Section 17.12.255.
- H. Inactive Sources. The owner or operator of a permitted source that has undergone initial startup but was shut down for the entire preceding year shall pay 50 percent of the administrative fee required under subsection (C). The owner or operator of a source claiming inactive status under this subsection shall submit a letter to the control officer by November 1 of the calendar year for which the source was inactive. Termination of a permit does not relieve a source of any past fees due.
- I. Transition.
 - 1. Subsections (A) through (H) of this Section are effective December 20, 2007. The first administrative fees are due on February 1, 2008.
 - 2. All fees incurred after December 20, 2007, are payable in accordance with the rates contained in this Section.
 - a. Emission-based fees for calendar year 2006 shall be billed at \$14.18 per ton and be due on February 1, 2008.
 - b. Permit processing fees incurred after December 20, 2007 for any new permit, permit revision, transfer, or renewal shall be billed in accordance with the rates in this Section.
 - c. Fees accrued but not yet paid before the effective date of this Section remain as obligations to be paid to the control officer.

17.12.520 Fees related to Class II and Class III permits.

- A. Source Categories. The owner or operator of a source required to have an air quality permit from the control officer shall pay the fees described in this Section unless authorized to operate under a general permit issued under Article III. The fees are based on a source being classified in one of the following two categories:
 - 1. Class II sources are those required to have a permit under Section 17.12.140(B)(2).
 - 2. Class III sources are those required to have a permit under Section 17.12.140(B)(3).
- B. Fees for Permit Actions. The owner or operator of a Class II or Class III source shall pay to the control officer \$105.80 per hour, adjusted annually under subsection (G), for all permit processing time required for a billable permit action. Upon completion of permit processing activities other than issuance or denial of the permit or permit revision, the control officer shall send notice of the decision to the applicant along with a final itemized bill. The maximum fee for any billable permit action is \$25,000. The minimum fee for any billable permit action is one hour of the current hourly rate. Except as provided in subsection (F), the control officer shall not issue a permit or permit revision until the final bill is paid in full.
- C. Class II Annual Fee. The owner or operator of a Class II source that has undergone initial startup by January 1 shall pay the annual fee from the table below, adjusted annually under subsection (G). The fee is due by February 1 or 60 days after the control officer mails the invoice under subsection (E), whichever is later.

<u>Class II Source Category</u>	<u>Annual Fee</u>
<u>Area Sources</u>	<u>\$540</u>
<u>NSPS/NESHAP Boilers & Generators</u>	<u>\$2,500</u>
<u>NSPS/NESHAP True Minor Sources</u>	<u>\$6,040</u>
<u>NSPS/NESHAP Synthetic Minor Sources</u>	<u>\$11,040</u>

- D. Class III Annual Fee. The owner or operator of a Class III source that has undergone initial startup by January 1 shall pay the annual fee from the table below, adjusted annually under subsection (G). The fee is due by February 1 or 60 days after the control officer mails the invoice under subsection (E), whichever is later.

<u>Class III Source Category</u>	<u>Annual Fee</u>
<u>True Minor Sources</u>	<u>\$1,960</u>
<u>Non-NSPS/NESHAP Boilers & Generators</u>	<u>\$1,960</u>
<u>Synthetic Minor Sources</u>	<u>\$3,920</u>

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- E. The control officer shall mail the owner or operator of each source an invoice for all applicable fees due under subsections (C) or (D) by December 1.
- F. Any person who receives a final itemized bill from the control officer under this Section for a billable permit action may request an informal review of the hours billed and may pay the bill under protest as provided below:
1. The request shall be made in writing, and received by the control officer within 30 days of the date of the final bill. Unless the control officer and person agree otherwise, the informal review shall take place within 30 days after the control officer's receipt of the request. The control officer shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The control officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The control officer shall mail his or her decision on the informal review to the person within 10 business days after the informal review date.
 2. The control officer's decision after informal review shall become final unless, within 30 days after person's receipt of the informal review decision, the person requests in writing a hearing pursuant to A.R.S. § 49-482.
 3. If the final itemized bill is paid under protest, the control officer shall take final action on the permit or permit revision.
- G. The control officer shall adjust the hourly rate every November 1, to the nearest 10 cents per hour, beginning on November 1, 2008, by multiplying \$105.80 by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The control officer shall adjust the annual fees listed in subsections (C) and (D) every November 1, to the nearest \$10, beginning on November 1, 2008, by multiplying the fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.
- H. An applicant for a Class II or Class III permit or permit revision may request that the control officer provide accelerated processing of the application by providing the control officer written notice 60 days before filing the application. The request shall be accompanied by an initial fee of \$15,000. The fee is non-refundable to the extent of the control officer's costs for accelerating the processing if the control officer undertakes the accelerated processing described below:
1. If an applicant requests accelerated permit processing, the control officer may, to the extent practicable, undertake to process the permit or permit revision according to the following schedule:
 - a. For applications for initial Class II and Class III permits under Section 17.12.140 or significant permit revisions under Section 17.12.260, the control officer shall issue or deny the proposed permit or permit revision within 120 days after the control officer determines that the application is complete.
 - b. For minor permit revisions under Section 17.12.255, the control officer shall issue or deny the permit revision within 60 days after receiving a complete application.
 2. At any time after an applicant requests accelerated permit processing, the control officer may require additional advance payments based on the most recent estimate of additional costs.
 3. Upon completion of permit processing activities but before issuance or denial of the permit or permit revision, the control officer shall send notice of the decision to the applicant along with a final bill. The maximum fee for any billable action for a Class II and Class III source is \$25,000. The final bill shall include all regular permit processing and other fees due, and, in addition, the difference between the cost of accelerating the permit application, including any costs incurred by the control officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the control officer shall refund the excess advance payments. Nothing in this subsection affects the public participation requirements of Section 17.12.340, or EPA and affected state review as required under Section 17.12.200 or Section 17.12.255.
- I. Inactive Sources. The owner or operator of a permitted source that has undergone initial startup but was shut down for the entire preceding year shall pay 50 percent of the annual fee required under subsection (C) or (D). The owner or operator of a source claiming inactive status under this subsection shall submit a letter to the control officer by November 1 of the calendar year for which the source was inactive. Termination of a permit does not relieve a source of any past fees due.
- J. Transition.
1. Subsections (A) through (I) of this Section are effective December 20, 2007. The first annual fees are due on February 1, 2008.
 2. All fees incurred after December 20, 2007, are payable in accordance with the rates contained in this Section.
 - a. Permit processing fees incurred after December 20, 2007 for any new permit, permit revision, transfer, or renewal shall be billed in accordance with the rates in this Section.
 - b. Fees accrued but not yet paid before the effective date of this Section remain as obligations to be paid to the control officer.

CHAPTER 17.16 EMISSION LIMITING STANDARDS

ARTICLE VIII. NEW MAJOR SOURCES AND MODIFICATIONS TO EXISTING SOURCES

17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.

A. Except as provided in ... the following conditions:

1. A new major source shall apply best available control technology (BACT) for each pollutant listed in Section ~~17.04.340(221)(a)~~17.04.340(212)(a) for which the potential to emit is significant.
2. A major modification shall apply BACT for each pollutant listed in Section ~~17.04.340(221)(a)~~17.04.340(212)(a) for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

....

6. Air Quality Models.

- a. All estimates of ... is on file ~~with the Secretary of State and with the Department~~PDEQ.

....